THE HONOURABLE SRI JUSTIVE C.V. RAMULU

WRIT PETITION NO. 6846 OF 2002

DATED: 17-11-2006

BETWEEN:

Water Users Association
Rep.by its President Y. Srinivasa Rao
And 11 others

… Petitioners

And

1.Govt. of A.P. rep. by its Secretary, Irrigation Dept. & others.

… Respondents

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ORDER:

This writ petition is filed by the petitioners seeking a Mandamus directing the respondents to provide irrigation water source to the lands admeasuring 2.337-65 acres under the supervision of the petitioners Water User Association by providing sluice at Tarakarama Reservoir, Tadiparthi, Visakhapatnam District by declaring the action of the respondents in not providing the water source for the petitioners association and blocking the water source as arbitrary and illegal.

Heard the learned counsel for the petitioners and the learned Government Pleader for Irrigation and perused the record.

It appears that the first petitioner along with other petitioners is an association of Water Users and came into existence under the provisions of A.P. Farmers Management of Irrigation Systems Act 1997. All the petitioners are water users associations at various villages. According to them, an area of 2,337.65 acres of Ayacut is there, under the 12 open head channels of Thacheru river. While that being so, Tharakarama Reservoir has been constructed across the

said river. According to the petitioners, they are entitled for irrigating the entire 2,337.65 acres of land from the Tarakarama reservoir whereas, after construction of the reservoir, they are not able to manage the ayacut of 2,337.65 acres. Therefore, this writ petition.

The fourth respondent has filed a detailed counter-affidavit wherein it is asserted that NTR reservoir Scheme was formulated taking into consideration the lower riparian rights, that is, rights of the ayacutdars of the ayacut falling under the control of the petitioners water users associations. The petitioners came under 12 open head channels which come to 2,337.65 acres. Out of 2,337.65 acres mentioned by the petitioners, irrigation facilities will be provided directly from the NTR scheme to an extent of 1190.53 acres and the balance ayacut of 1147.12 acres will be irrigated from the catchment area of Tacheru River below the reservoir, including Palegadda and upto the head of the 12th open Head Chennels. The catchment area of Tacheru River below the reservoir location up to the 12th open head channel including Palegadda, is 24.90 square meters. The yield available from the catchment area is 353.004 Mcft. This yield can irrigate an ayacut of 2471 acres, which is much more than the balance ayacut of 1147.12 acres. The reservoir is designed considering the yield at 75% confidence limit and the surplus water will be let out from the surplus weir which would also cater to the needs of the lower situated ayacut. Therefore, the contention of the petitioners is contrary to the factual position. All possible measures have been taken to safeguard the lower riparian ryots and the petitioners grievance in this regard is misconceived.

In view of the above, without expressing any opinion on merits, respondents are directed to monitor and see that the ayacut held under the associations shall be permitted to be managed by them as per the averments made in the counter without any interruption and the same shall be monitored periodically. Whenever there is any deviation from the assertion made by the respondents, petitioners are at liberty to

agitate the same before the competent authority.

Writ petition is accordingly disposed of. No order as to costs.

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17-11-2006

Rns.

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